

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 3/12/2021

SANDRA HICKMON, *individually and
behalf of all others similarly situated,*

Plaintiff,

v.

FUN & FIT LLC, *doing business as Home
Instead Senior Care*, BRIAN TRAINOR,
JOHN DOES #1-10,

Defendants.

No. 20-CV-10270 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The parties have notified the Court that they do not believe that the use of mediation is best at this time and requested an adjournment pending the resolution of an anticipated motion to certify. By separate order, this case will be referred to Magistrate Judge Cott for general pretrial.

It is hereby:

ORDERED that, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before Judge Cott. If both parties consent to proceed before Judge Cott, they must, **within two weeks of the date of this Order**, submit to the Court a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this Order (and also available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). If the Court approves that form, all further proceedings will then be conducted before Judge Cott rather than before this Court. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it

would be from this Court if the consent form were not signed and so ordered. An information sheet on proceedings before magistrate judges is also attached to this Order.

If any party does not consent to conducting all further proceedings before the Magistrate Judge, the parties must file a joint letter, **within two weeks of the date of this Order**, advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**. No adverse consequences will result from the withholding of that consent.

The parties are reminded that, in most cases, settlements of claims under the FLSA must be approved by the Court. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

SO ORDERED.

Dated: March 12, 2021
New York, New York



Ronnie Abrams
United States District Judge

UNITED STATES DISTRICT COURT

for the

____ District of _____

<hr/> <i>Plaintiff</i> v. <hr/> <i>Defendant</i>	_____) _____) _____) Civil Action No. _____) _____)
--	--

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys**Signatures of parties or attorneys**Dates*

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

*District Judge's signature**Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.